

# Privacy & Data Protection

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## Headlines

- First multi-million GDPR fine in Germany, p.18
- European Parliament under investigation over election data sharing, p.19
- Twitter launches a Privacy Center to centralise data protection efforts, p.20

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## e-Privacy: Council to begin again after own Committee rejects draft

A Committee within the European Council has rejected the Council’s position on a draft e-Privacy Regulation.

During its last meeting in Brussels in November, the Permanent Representatives Committee of the Council of the European Union (‘COREPER’) was dogged by disagreements over issues such as cookie tracking, provisions on detecting and deleting child pornography and consent requirements.

The development of new e-Privacy rules has faced obstacles since the Commission launched its pro-

posal for a new e-Privacy Regulation in January 2017. This is despite the fact that an update to the outdated 2002 e-Privacy Directive is growing increasingly urgent, due to progressions in how technology is intertwined in everyday life.

The European Parliament took a strong stance towards the proposal when it adopted its position in October 2017. For more than two years, the Council halted the proposal from advancing, presenting suggestions that lowered the fundamental rights protections that were proposed by the Commission and

strengthened by the Parliament.

In rejecting its own text, campaigners are claiming that the Council has left the door open for current practices that endanger citizens’ rights to continue happening.

“In this era of disinformation and privacy scandals, refusing to ensure strong privacy protections in the e-Privacy Regulation is a step backwards for the EU,” said Diego Naranjo, Head of Policy at European Digital Rights.

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## EDPB publishes final version of Guidelines on Territorial Scope

The European Data Protection Board has adopted final guidelines on the territorial scope of the General Data Protection Regulation.

The Guidelines seek to provide a common interpretation of Article 3 of the GDPR for Supervisory Authorities when assessing whether processing by a controller or a processor falls within the territorial scope of the

GDPR. The final Guidelines maintain the interpretation adopted in the first draft, but now include further explanations from the European Data Protection Board addressing comments received during the public consultation.

The EDPB has inserted a new guidance section relating to processors not established in the EU. The Guidelines state

that in order to determine whether processing activities may be subject to the GDPR Article 3(2), it is necessary to look at whether the processing activities by the processor ‘are related’ to the targeting activities of the controller. Where the processing activities by a controller relate to the offering of goods or services or to the moni-

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